

**HORICON TOWN BOARD
REGULAR MEETING**

**FEBRUARY 16, 2012
7:00 PM**

Present at meeting: Ralph Bentley Supervisor
 Frank Hill Councilman
 Robert Olson Councilman
 Kenneth Higgins Councilman
 Matthew Simpson Councilman

Krista Wood Town Clerk
Mark Schachner Town Counsel

Also: HS Paul Smith, Harry Balz, Gordy Hayes, Gary Frenz, Jane Smith, Bill McGhie, Jason Hill, Gerry Hill, Marcus Magee, Robert Smith, Todd and Debbie Newton, Bob Miller, Bill and Joyce Houck, Poul Carstensen, ZA Gary McMeekin, Sandy Smith, Paul Frasco, Andy and Edna Trumble, Abe Gadjo, Cindy Mead, John Donovan, Jack Baker, and others.

Supervisor Bentley called the meeting to order at 7:05 PM.

Approval of Minutes: Minutes of January 19, 2012 were approved by Motion of Messrs. Higgins and Hill, all Ayes.

Approval of February 16, 2012 Vouchers and Abstracts:

RESOLUTION #43-2012

Messrs. Olson and Hill introduced Res. No. 43 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT OF FEBRUARY ABSTRACTS

RESOLVED, that the Town Board does hereby authorize payment of the February 16, 2012 Vouchers and Abstracts as follows:

General Vouchers	#45 - 70	\$ 54,348.62
Highway Vouchers	#13 - 27	\$ 33,611.73
General Abstracts	4 & 5	\$ 33,255.03
Highway Abstracts	4 & 5	\$ 17,797.22

Resolutions:

RESOLUTION #44-2012

Messrs. Higgins and Simpson introduced Res. No. 44 and moved its adoption, all Ayes:

RESOLUTION TO APPOINT LIBRARY TRUSTEE

RESOLVED, that the Horicon Town Board does hereby appoint Joanne McGhie to the seat previously held by Marijane Bouchard, former member and Treasurer, on the Board of Trustees of the Horicon Free Public Library. In addition, Joanne McGhie will serve as Treasurer of the Board of Trustees. Mrs. McGhie will complete the term that is to expire on December 31, 2015.

RESOLUTION #45-2012

Messrs. Hill and Olson introduced Res. No. 45 and moved its adoption, all Ayes:

RESOLUTION AUTHORIZING SOLICITATION OF SAND BIDS

RESOLVED, that the Town Board does hereby authorize the Town Clerk to solicit, by legal advertisement, bids for highway sand. Bids are to be opened at 10:00 AM on March 15th, 2012.

RESOLUTION #46-2012

Messrs. Hill and Olson introduced Res. No. 46 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE POSTING OF ROADS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Highway Superintendent to advertise and post the Town Roads for spring conditions when warranted.

RESOLUTION #47-2012

Messrs. Olson and Hill introduced Res. No. 47 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE CONTRACT WITH GLENS FALLS ANIMAL HOSPITAL

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Bentley to sign the contract with Glens Falls Animal Hospital for the handling of unidentified dogs. This agreement will be in effect for the 2012 calendar year.

RESOLUTION #48-2012

Messrs. Hill and Simpson introduced Res. No. 48 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE CONTRACT WITH ALONZO FIREWORKS FOR HORICON DAY

RESOLVED, that the Horicon Town Board does hereby agree to contract with Alonzo Fireworks to provide the fireworks display for Horicon Day on August 4th, 2012 at a cost of \$3,500.00.

Funding for the fireworks will be taken from the Special Publicity Fund (A6412.4).

Councilman Olson said he had one more topic that may be a Resolution. He asked Bill McGhie to give a report on the Schroon Lake Milfoil project. Bill explained that Dave Wick had sent the RFP out to five firms and they have received quotes back from three of them so far. He also explained the negative response being received from the people representing the north end of the lake. Councilman Olson then read some emails regarding the negative attitude from some involved with the milfoil project. On this point he introduced the following Resolution and requested that it be sent to the Supervisors of the Town of Chester and the Town of Schroon Lake and to Dave Wick as well.

RESOLUTION #49-2012

Messrs. Olson and Higgins introduced Res. No. 49 and moved its adoption, all Ayes:

RESOLUTION IN SUPPORT OF BILL MCGHIE AND JANE SMITH IN REGARDS TO THE SCHROON LAKE WATERSHED MANAGEMENT PLAN STEERING COMMITTEE

WHEREAS, the Town of Horicon is acutely aware of the Eurasian Milfoil in Schroon Lake, AND WHEREAS, the Town of Horicon is committed to the elimination of this and other invasive species to the extent possible, and the overall control of the problem, consistent with reasonable budget constraints, NOW, THEREFORE BE IT

RESOLVED, that the Town of Horicon supports Bill McGhie as Chairman of the Schroon Lake Watershed Management Plan Steering Committee and Jane Smith as the Secretary to the Committee, AND, BE IT FURTHER

RESOLVED, that Bill McGhie, as the Town of Horicon's representative, speaks for the Town of Horicon and has the full support of the Town of Horicon, AND, BE IT FURTHER

RESOLVED, that a copy of this Resolution be forwarded to the Town Supervisors of the Town of Chester and the Town of Schroon Lake, Dave Wick of Warren County Soil and Water, Bill McGhie, and Jane Smith.

Old Business:

Pumpkin Hollow Road: Supervisor Bentley said he thought at last month's meeting the Board had gone ahead with the Resolution to re-open the road, and referred to the draft Resolution prepared by Town Counsel a while ago. Councilman Higgins said that it was discussed that the Resolution was to open up to the Town line for now. Supervisor Bentley said he thought it was to open up to the turnaround. Councilman Higgins said that in an effort to help Abe out, the last they had decided was to give National Grid the right of way to put power in. Councilman Olson said he had been in to Pumpkin Hollow Road that day and noticed what appeared to be power company stakes and he asked Abe if progress was being made to get power in. Abe Gadjo said those stakes had been there for about six years. He said he had contacted National Grid about moving forward with trying to get power in but he needs the easements from the property owners for National Grid to move forward. Councilman Higgins asked Abe if he had talked to Prazak about an easement and Abe said he had spoken with him but not lately. He said Prazak had given him an easement about six years ago and it

had all been staked out but now he needs a new easement because it has been so long. Abe stated that at this point he only wants a three rod right-of-way so that he knows no matter what he cannot be kept from doing work on the road and he cannot be blocked. He said he does not feel it is right that a landowner should be denied the ability to put power in because a neighbor will not allow the poles to go across their property. Abe said he thought this had been resolved at last month's meeting and, after quoting Resolution #42-2012 from the January 19th meeting, asked why this is even being brought up. Councilman Higgins explained that the Board had backed off on the right-of-way due to the cost of doing the road. He said it is too much money to spend for the benefit of one person especially with the poor condition of so many other Town roads. Councilman Higgins further explained that if the Town gets the right-of-way then it obligates the Town to widen the road for buses, fire trucks, etc. and to maintain the road. He also noted that if they were to open it to Abe's property then they should open the whole road and they should get a price to do the whole road because the taxpayers are going to have to pay for the road. Jason Hill asked if the Town would have jurisdiction as to when the work actually gets done on the road, and could they do the work over a period of time instead of all at once. Supervisor Bentley stated that Town Counsel said the Board did not need to fix the road until money is appropriated for it. Jason Hill said it is his understanding that the issue is the right-of-way, so, if the Town gets the right-of-way then they are not obligated to make the road. He said if that were the case then they would have to go make Bean Road and all the other roads in Town that are not up to spec. Councilman Hill said he feels it is only right that if the road is re-opened it should be done to meet subdivision specifications. He noted how long some people had tried to get subdivisions through, some of them working for months, even years, to get through the process. He does not feel the Town can just go in and root out a road and leave it at that. Councilman Higgins pointed out that it goes beyond that because if they do for Abe, then someone will want Howard Meade Road or Hemingway Road opened, for example, and if they have done for one then they will have to do for the next which means more money, more trucks, more men, etc. He noted that with the state of the economy it is not a good idea to be spending all this money. Abe Gadjo said he does not see where any of the roads Councilman Higgins noted fall into the same example as this because he is the one that has gone in there and made the commitment, he has made the road, and he has spent a lot of money on it. He states that Pumpkin Hollow Road is used and the other roads are not used. Councilman Olson asked Counselor Schachner if right-of-way is the right term to be using in this case and asked if the step off of Qualified Abandoned would be to put Pumpkin Hollow Road back into the highway system. Counselor Schachner agreed that rights-of-way are not what the Town should be focusing on. He stated the reason, in his opinion, that the Board should not be focusing on rights-of-way is because no Town has the legal authority to obtain any real property rights, including rights-of-way, unless it is for a lawful public purpose. He explained that for a Town to acquire rights-of-way for a lawful public purpose then the lawful public purpose is for a road. It is not a lawful public purpose for the Town to acquire rights-of-way to enable private property owners to benefit if it does not benefit the public. He explained there is no law that states upon gaining rights of way for a public road that one must finish the road next year for example. But it is the case that the Town cannot legally acquire rights-of-way unless it is for a public purpose and in this case the public purpose would be roads, not to facilitate power to private property owners. Councilman Olson asked if the Board could re-introduce just the 3/10 mile or are they obligated to introduce the entire length of the road. Counselor Schachner stated there is not a legal obligation to have the entire length of any road to be under the same legal status, but asked what the public purpose would be to re-open just the 3/10 mile of this road because he is not aware of one. Councilman Olson stated that he did not see the public purpose. Counselor Schachner noted that his job in this is to limit the Town's legal exposure and in this instance the Town's legal exposure issue is twofold. One, opening 3/10 mile of the road for one, or two, or some small number of private individuals could expose the Town Board to a claim that they are acting unlawfully by acquiring real property not for the public purpose. Second, the notion that all others similarly situated could then come forward and want their roads, or portions thereof, re-opened. John Donovan asked if the Town Board were to acquire the right-of-way and nothing happened except to

enable the power company to put power poles in, which is what he understood they were doing, would that potentially expose the Town to legal liability. Counselor Schachner clarified that they had previously worked not merely for the acquisition of easements but to acquire the width of a public road to then improve the road, not just to acquire it, which indicates there is public use and to do that is lawful public purpose. He again reiterated that acquiring rights-of-way without intending to re-open and make it a public use road is his concern and that is what creates legal exposure. John Donovan said he talks with a group of about seventy people who have asked what the status of this is and he has told them his understanding was the Town was doing several things; the Town would try to acquire easements, at no cost to the taxpayers, for an area that would allow property owners to request for power poles to be installed and the Town would send a letter to National Grid supporting that request for the poles to be installed; the Town would improve the Town-owned portion of the road (from Beaver Pond Rd to the end of the Pratt property); and last that no further work would be done beyond that because that expends Town money when the Town cannot fix the roads they have. John Donovan said the residents he speaks with felt that was reasonable, but if the Town is going to do more than that it will be a different story. Counselor Schachner made the point to all that the letter was sent to National Grid. Abe Gadjoo said the Town could send a letter to National Grid but unless National Grid has an easement from the property owners they are not going to set poles. Therefore, he said he either has to get the easements from the property owners himself or it has to be a public right-of-way and the Town can do it. Abe said that it is the duty of the Town to re-open the road if it is worked and used for a period of ten years. John Donovan suggested a meeting with Mr. Prazak to seek the easement at which point the Town could acquire the right-of-way. He further suggested the Town state they will work to improve the road as activity justifies the use of the road and as money permits and any further development will be at the expense of the developers. Supervisor Bentley said the Town has no obligation to improve the road only to the point it is passable by motor vehicle. Counselor Schachner clarified that, in fact, the Town would be obligated to improve the road but there would be no timeline to do so. Cindy Mead encouraged the Board to find a way to do what Abe is asking for in an effort to keep young people and businesses in Town. John Donovan asked about Abe Gadjoo's original letter to the Board wherein he stated that he took full responsibility for all the costs that would be incurred from living in this location including maintaining, plowing, and power. He said there is a lot that has been done and more that could be done short of having this become a major road at the Town's expense. Abe responded that his original thought was to close a section of the road, but once he realized he could not improve the road as he needed to because he was outside of the public right-of-way he changed his mind. Debbie Newton asked the Board where the human factor was in all this. She noted that now it is all about the legal obligation and the money factor when it should be about helping somebody out. Supervisor Bentley said he still personally feels the road should be re-opened and said they do not have to make any improvements because it is passable by motor vehicle right now, so until the Town can afford to do so, even if it is twenty years from now, they would not have to. He noted that Riding High road is probably one of the most traveled roads in the Town and that is not paved. Gary Frenz said the Town maintains Hemingway Road for one person and Town money is spent to maintain Lily Pond Road for the state so the Town should do this. John Donovan asked what would happen if the eighteen residents of North Beaver Pond Road approached the Town about maintaining that road to save those taxpayers many thousands of dollars in maintenance. Supervisor Bentley said the difference is that has always been a private road. John Donovan said the point is that the Town is not required to do anything there and at this time the Town is not required to do anything further on Pumpkin Hollow Road either, but the Town could go forward with the proposal at hand and allow Abe to get a good amount of things done without making it an improved public road. Counselor Schachner clarified that the reason the Town has no obligation to do anything on North Beaver Pond Road is because it is a private road. He said the reason the Town has no obligation on Pumpkin Hollow Road is because it is a Qualified Abandoned road, however, once that status changes and it becomes a public road then the Town does have an obligation. Councilman Olson said the Comprehensive Master Plan supports the Town encouraging people to stay and

businesses to thrive and he said he sees this as both, a family and a business, and believes the expenditure of tax dollars for infrastructure is legitimate. He noted that the Town cannot spend \$100,000 but asked Highway Superintendent Smith if the Board were to budget a certain amount each year would that be possible. HS Smith said it could be done. Councilman Olson noted that John Remington had offered to provide gravel from his pit at no charge to use on Pumpkin Hollow Road. HS Smith asked Councilman Olson if he knew for sure if that was gravel and Councilman Olson said he was not sure. Councilman Higgins noted that the road has to be built right and he does not think that material would be acceptable to use. John Donovan asked if there were public funds available other than from Town funds. Councilman Olson said he would check. Supervisor Bentley said that on the Town section of Pumpkin Hollow Road, on which work was recently done, they only used \$557.15 worth of material for four loads of shoulder stone and that was all. He said the rest of the cost was for machinery and labor, and they also hauled in some blow sand from down back. Councilman Hill questioned if it was only four loads and Supervisor Bentley said that is what Jack Baker had told him. Councilman Higgins asked HS Smith how many days they spent taking out boulders so they could put in the four loads of material. HS Smith noted that the four loads were put on the road to tighten up the driving surface but the road technically needs to be blasted and lowered down for the trucks going in and out. He also noted that they used the sand from down back for the turnaround area, not where you would be driving on the road. HS Smith said basically with all the holes from the rocks they took out they had to fill in with something and at that time they were discussing not going any farther and they could not see spending any more money. Councilman Higgins asked Paul Smith, as Town Highway Superintendent, if he would open Pumpkin Hollow Road or not. HS Smith answered, "Not if it is coming out of my budget, no". HS Smith explained that he receives phone calls every day and he gets stopped by people complaining about the condition of the roads and he agrees. He pointed out that he has some roads that if they are not fixed within the next year they are going to lose them. John Donovan suggested Councilman Olson meet with Supervisor Bentley to figure out where money can come from other than from the Town. Supervisor Bentley said in the meantime they should open the road, noting it does not have to be improved right away, maybe ten years down the road, because it is in better shape than Pharaoh Lake Road. Councilman Olson said he would also like to see the road opened, but as he understands it, for that to happen there needs to be action from the Town Board and agreement from the Highway Superintendent. He noted there does not appear to be approval from the Highway Superintendent. Supervisor Bentley said if they can find the money elsewhere, other than the Highway budget, then HS Smith could do it. He again noted there is nothing that needs to be done now because it is passable. HS Smith said they need to take into consideration when they are building that road that there are going to be school buses and things in there. He pointed out that Pharaoh Lake Road, on the other hand, does not have anybody in there and they have a hard time plowing it and most of the time the tandems ends up backing out of the road. Abe Gadjo said he does not think there is anything legally obligating a school bus to go down the road. HS Smith said it is his understanding that once they open the road the school bus has to be able to go down in there. Councilman Hill said as far as the school bus goes that decision is up to the School's Transportation Supervisor. He said the School does have a policy that the bus has to go to the door and the road has to be in certain condition but he cannot quote it and again said to contact the school. Councilman Olson said he does not feel this will be settled immediately and he wants to meet with Supervisor Bentley and HS Smith to discuss the economic issue. He said he too wants the road open but notes there are some real obstacles right now. Councilman Olson made a Motion to table this until the next Board meeting, seconded by Councilman Hill. Marcus Magee asked if the road could be opened with no financial obligation on the Town's part to improve the road. Councilman Olson clarified that the road must be improved but there is no time limit for improvements. Counselor Schachner noted that is true as long as it is passable now and asked if all were in agreement with that statement. All agreed. Councilman Olson noted that he had made a Motion to table until next meeting. Abe Gadjo asked why not move forward and get the right-of-way now. Councilman Hill told Abe that they have contacted the property owners about the rights-of-way but they have not heard back. Supervisor Bentley said

that was because the Board had told Counsel to quit with the easements. Councilman Hill said the Board did not tell Counsel to quit. Supervisor Bentley asked Counselor Schachner if he was told to quit. Counselor Schachner said no, they were told to stop pushing for the rights-of-way but they were not told to stop. Councilman Hill noted there is an issue with one of the property owners and Counselor Schachner confirmed this. John Donovan asked if Town Counsel and the Supervisor could contact the property owners to see if there is anything new and to continue working towards acquiring the easements and asked if that was reasonable. Councilman Higgins agreed, if Supervisor Bentley could contact Prazak and ask him if he would give Abe an easement for power. Counselor Schachner said that would be a different issue. Supervisor Bentley said he is not involved in the power issue; they are involved with the Town right-of-way. Counselor Schachner again asked for what purpose the Town wants to acquire the rights-of-way. Supervisor Bentley said it is for the purpose of a public road. Counselor Schachner wanted to make clear that it is not legal to be acquiring rights-of-way unless it is for the purpose of the public road and that is the problem. If the Town Board is not committed to the lawful public purpose of the public road then they should not be expending municipal resources chasing down rights-of-way. He noted that would be separate and apart from Mr. Prazak giving Mr. Gadjo a private right-of-way. Abe Gadjo said the Resolution last month was to move forward with the three rod right-of-way. Councilman Higgins said they can rescind that Resolution until they find out what is going on and until they can get pricing and facts which should be done before taxpayer money is spent on the road. Supervisor Bentley said they do not have to spend any money until something is needed. John Donovan suggested it would be a comfort to many homeowners if the Resolution stated that the intention is to open the 3/10 mile as a public road but the timing of expenditure for improvement is indeterminate at this time. To that Supervisor Bentley said there is no money to improve the road at this time anyway. Abe Gadjo told the Board he is not asking the Board to spend a dollar on the road he just wants a right-of-way. Councilman Higgins again pointed out that it will obligate the Board to having to reopen other roads in Town. Supervisor Bentley said he did not see where that would be the case. Councilman Simpson said he has experience living on a road like this, it was a Town Road not a Qualified Abandoned road, but it was a similar situation in that they were the only ones on the road and the Town did very little maintenance, etc. He said by the time he moved several other people had moved onto the road. He noted that he had to separate Abe Gadjo from the road and find the public benefit. He feels that there is a public benefit to opening the road because there is beautiful property on the road that has been for sale and there is potential for a number of houses to be built. He says they need to look at the potential growth down the road and at developing a long term plan for the road. John Donovan said that if someone wants to go in and develop property along that road then they should have to pay a substantial portion to bring the road up to code. Councilman Simpson agreed but noted it would be less of an issue if it had never been a public road because then the Board could tell the developer if they wanted to go in 3/10 mile they could but the Town would not have to incur the costs. He points out that now there could be a public benefit because the road is being used and people need to separate Abe from the whole issue. John Donovan then asked the Board if he was correct in assuming that if a car goes in Pumpkin Hollow Road today and slides off the road and someone is killed then the Town has no legal liability because it is a Qualified Abandoned road; however, if the road is re-opened with no improvements and someone slides off the road and is killed then as an open public road the Town would be open to legal liability. Counselor Schachner said that would be absolutely correct. Councilman Simpson said the point is that the road was closed and previous Boards felt there was no reason to expend monies on it. He then asked Town Counsel if they actually own the road, and Counselor Schachner said the Town does not own the road but there still remains a public right of access with no maintenance obligation to the Town due to the Qualified Abandonment. Councilman Simpson noted the road was abandoned with the intention that it may someday have potential use, but on the other hand they cannot close the road either so it puts them in a tough place. Marcus Magee asked if the fact that it is Qualified Abandoned proves there is public benefit. Counselor Schachner said no, in his experience a road is qualifiedly abandoned so the Town does not have a maintenance obligation. He explained that what other

Highway Superintendent's, not in the Town of Horicon, have said about a road is the road is a really, really difficult road, has very little traffic and little use, there are disproportionate amounts of time, money, and effort being spent to maintain the road for the minimal use it gets and, therefore, they approach the Town Board about qualifiedly abandoning the road so there is no maintenance obligation. Counselor Schachner said that, in his experience, is the reasoning behind abandoning a road. Abe Gadjo said the intention was that once the road started being used they would start spending tax dollars on it again. He said there are now two houses on this section of Pumpkin Hollow Road; one has been there for fourteen years and he has been working there for seven or eight years. Supervisor Bentley said it is still his opinion to re-open it. Councilman Olson said he has a motion to table this and noted that they have to find a way to get the Highway Superintendent to agree. Councilman Hill pointed out that the Highway Superintendent does not have the money. Councilman Olson noted that Supervisor Bentley said that maybe he could find the money, not in the Highway budget, but maybe somewhere else. Supervisor Bentley said that sales tax had just come in and it was \$200,000 more than what they had budgeted. Councilman Higgins said they may not get much sales tax this year though, and Supervisor Bentley said it is already ahead of last year. Councilman Olson continued, saying that the Board seems to be split and he would like to have all his information together before they put this out to a vote. Councilman Hill agreed with the motion and added he would like Town Counsel to contact the Robbins family one more time to see what the delay is. Counselor Schachner asked in what context the Board wants him to renew that contact. Councilman Hill asked if it was just for the right-of-way. Supervisor Bentley said no, they either have to open the road or not. Councilman Olson asked Counselor Schachner in what context he originally contacted them. Counselor Schachner said it was in the context that the Town would re-open the road. Councilman Olson said if he is to continue his effort then it should be in that context. Counselor Schachner asked then if it is the intent of the Board to have his office renew that contact toward the goal of re-opening the road. Councilman Olson, Councilman Simpson, and Supervisor Bentley said yes. Councilman Hill and Councilman Higgins said they were not comfortable with this. Councilman Olson then made a Motion for the following:

RESOLUTION #50-2012

Messrs. Olson and Simpson introduced Res. No. 50 and moved its adoption:

RESOLUTION TO RE-INSTATE EFFORTS TO OBTAIN EASEMENTS

RESOLVED, that the Horicon Town Board does hereby instruct Town Counsel to re-instate his efforts in obtaining the right-of-way for Pumpkin Hollow Road for the purpose of opening the road and expenditures for the attorney are not to exceed \$1200.00.

Ayes: 3 (Olson, Simpson, Bentley) Nays: 5 (Higgins, Hill)

There was a brief discussion, and some confusion, between Supervisor Bentley and Counselor Schachner as to the Resolution that was just adopted in comparison with a prior Town Board resolution. Councilman Higgins asked if there was a change and Counselor Schachner stated that he understands the Resolution the Town just adopted and does not understand what Supervisor Bentley is referring to as it is not the Resolution the Town just adopted. Supervisor Bentley asked then what the Board just adopted. Counselor Schachner said he believes the Town Board very clearly adopted a Resolution by a 3 to 2 vote "authorizing and directing him to renew contact with the property owners in furtherance of their efforts to obtain rights-of-way for the purpose of re-opening Pumpkin Hollow Road." He asked the Board if that was correct. The Board agreed that it was. Councilman Higgins asked if the Resolution could be rescinded and Counselor Schachner said the Board could leave it for now although it may need to be rescinded later.

Old Business (cont'd):

No Parking Sign request on Palisades Road. Councilman Hill and Higgins, Highway Committee, said it is not a Town road and they will not recommend acting on the request. Councilman Higgins

noted that the County had requested an answer on this and asked Supervisor Bentley to let the County know of this decision.

BTI: Kevin Radford has signed up for training, and expenses were authorized at the last meeting. Councilman Olson asked if the overseer issue had been resolved. Supervisor Bentley said they should be meeting by the end of the month. He noted Mr. Radford will have to work under one of the overseers for a year before going on his own.

Proposed Zoning Ordinance Revisions: The Board will review the revisions and will hold a workshop meeting.

RESOLUTION #51-2012

Messrs. Olson and Higgins introduced Res. No. 51 and moved its adoption, all Ayes:

RESOLUTION TO SET WORKSHOP MEETING

RESOLVED, that the Horicon Town Board does hereby set a workshop meeting for Thursday, March 29, 2012 at 6:00 PM. The purpose of this workshop meeting is to review and discuss the proposed changes to the Town of Horicon Zoning Ordinance.

Revitalization Committee Update: Councilman Olson said he had met with Vicky Gerbino from the Warren County Economic Development Corporation on a few items. He noted that in terms of funding there is a difference between economic and community development. He said Ms. Gerbino had indicated she would be available in the future to help if she could. Councilman Olson then said the Hamlet Revitalization Committee had met and noted that there is work to be done on the Millpond District if they are going to create an atmosphere that will attract investors. He asked Supervisor Bentley to set up a meeting with Warren County DPW to discuss several issues including a timeline for the bridge at the upper dam, the bridge at the lower dam (Supervisor Bentley said the County is supposed to paint that the first week of April), replacing the chain link fence at the lower dam, the establishment of a walking path around the Millpond, and to address some other aesthetic issues. Councilman Olson said in the short term they would like to meet with DPW and explore and coordinate beautification efforts around the Millpond. Poul Carstensen noted that whether it be the responsibility of the Town or County the fact is the Millpond needs work to look better and it would not take much to do so.

Adirondack Historical Church: Councilman Hill said he had spoken with Edna Trumble recently and she had indicated the architect had sent a letter stating he would be withdrawing his work on the project because there was no money available. Councilman Hill said he thought they had budgeted monies for that. Supervisor Bentley said they had budgeted monies that would be available only if they got the grant, however, the grant application was denied so there is no money. Councilman Hill asked Edna Trumble if in the meantime they were trying to raise money and Edna indicated they were. Further to that, John Donovan asked if the Board could stay committed to the project and make funding available if that funding were to be reimbursed through either fundraising efforts or other grants. Supervisor Bentley said they could come up with money.

New Business:

Tax Aide Program: Councilman Simpson discussed a program he was approached about which would provide tax preparation assistance to serve the elderly, low-income, etc. He said the Board may want to look at it as other Towns are doing it.

New Loader: Supervisor Bentley said HS Smith had received a price on a new loader and they would be able to trade for \$22,000.00. Councilman Hill asked HS Smith if they could trade for less if they bought the same model they have. HS Smith said the deal is for the bigger model but the company will not offer the same deal on the model they have. He also added they could do more construction

with the bigger model. Supervisor Bentley noted that the Town had received FEMA monies that could be used to pay for it so the Town would not be incurring debt. Gordy Hayes noted that the Town may want to take the money and spend it on the roads instead if they are in such rough condition. Councilman Hill suggested maybe the Town wait a year or two which Councilman Higgins agreed and said they would look into more the following day. Supervisor Bentley said the deal would be gone by then. Councilman Higgins noted that they should look into and they are not in a situation where they need to run right out and get it. He asked Councilman Simpson what his thoughts were and Councilman Simpson indicated he does not see the need and he does not feel they are in a position where they have to make this move right now for the cost. Councilman Higgins and Hill will meet with HS Smith in the morning to review further.

Privilege of the Floor:

-Poul Carstensen asked on the Bed Tax monies available through the County and whether or not other groups could apply for those monies such as the Horicon Day Committee or the Millpond Beautification program. Supervisor Bentley said they could as long as it is going to draw business to the Town.

-Paul Frasco asked about the status of the inquiry into the North Warren EMS. Councilman Olson said he had spoken with the investigator from the State Attorney General's Office who indicated the NWEMS was in compliance regarding the contents of the letter. Councilman Olson said he further asked the investigator that if during their investigation they saw anything that raised red flags would they pursue it or ignore it and stay within the confines of their investigation. He said the investigator told him they would absolutely pursue anything that was inappropriate and pursue it. Paul Frasco said the Squad is still in violation of federal law. Councilman Olson said he was comfortable with the answer from the investigator. Paul Frasco said he did not like Councilman Olson's answer and how this is being handled and insisted the Board refer this to Town Counsel to look into this.

Adirondack Park Local Government Conference Day:
RESOLUTION #52-2012

Messrs. Hill and Higgins introduced Res. No. 52 and moved its adoption:

**RESOLUTION TO AUTHORIZE ATTENDANCE AT ADIRONDACK PARK LOCAL GOVERNMENT
CONFERENCE DAY**

RESOLVED, that the Horicon Town Board does hereby authorize attendance at the Adirondack Park Local Government Conference Day on March 20-21, 2012 for those wishing to attend. The cost is \$55.75 per person if registered by March 7, 2012.

Executive Session: Councilman Higgins made a motion, seconded by Councilman Hill, to move to Executive Session to discuss possible litigation, all in favor. The Board moved to Executive Session at 8:55 PM.

The Board returned from Executive Session at 9:02 PM and Councilman Hill made a motion to return to Regular Session, seconded by Councilman Higgins, all in favor. Possible litigation was discussed and no decisions were made.

Adjourn... There being no further business to attend to the meeting was adjourned at 9:03PM by MOTION of Messrs. Hill and Simpson, all in favor.

Respectfully Submitted:

Town Clerk